

REMARKS

Claims 1, 3, 5-7, 10-14, 18, 24-27, 31, 43-45, 47, 49-51, 54-56, 60, 66-68, 72, and 83 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,222,830 to Padovani et al. (hereafter "Padovani"). Claims 37-42 and 78-82 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,246,878 to Wallentin (hereafter "Wallentin"). Claims 2, 4, 19-23, 32-36, 46, 48, 61-65 and 73-77 were rejected under 35 U.S.C. §103(a) as being unpatentable over Padovani in view of Wallentin. Claims 8, 9, 52 and 53 were rejected under 35 U.S.C. §103(a) as being unpatentable over Padovani and further in view of U.S. Patent No. 5,490,153 to Gregg et al. (hereafter "Gregg"). Claims 15, 28, 57 and 69 were rejected under 35 U.S.C. §103(a) as being unpatentable over Padovani and in further view of U.S. Patent No. 6,353,742 to Bach (hereafter "Bach"). Claims 16, 29, 58 and 70 were rejected under 35 U.S.C. §103(a) as being unpatentable over Padovani in view of Bach and in further view of U.S. Patent No. 5,974,584 to Hendrickson et al. (hereafter "Hendrickson"). Claims 17, 30, 59 and 71 were rejected under 35 U.S.C. §103(a) as being unpatentable over Padovani in further view of Bach and in further view of U.S. Patent No. 6,226,283 to Neumiller et al. (hereafter "Neumiller").

Section 102(e) Rejections Based on Padovani

The present claims (as represented by the amended claims) are directed at the generation of at least one enhanced frame and at least one enhanced frame copy, each comprising at least one error burst representation and the

combination of an acceptable portion of the enhanced frame with an acceptable portion of the enhanced frame copy, wherein the acceptability of these portions is based on the error burst representations and where the combination results in the formation of a combined frame which has a higher quality (e.g., a lower error rate) than the enhanced frame. As the Office Action recognizes, Padovani does not disclose, teach or suggest a combination of an enhanced frame with a copy of an enhanced frame. As such, Padovani does not teach or disclose each and every claim element as in independent claims 1, 25, 39, 45, 67 and 79. Applicants submit that these claims and their dependent claims are patentable over Padovani. Applicants respectfully request withdrawal of this rejection.

Section 102(e) Rejections Based on Wallentin

Original claims 37-42 and 78-82 were rejected based on 35 U.S.C. §102(e) as being anticipated by Wallentin. Applicants note that claim 37 has been deleted. Independent claim 39 has been substituted in its place. Similarly, claim 78 has been cancelled and claim 79 has been substituted in its place.

These claims are directed at devices or methods which combine an acceptable portion of an enhanced frame with an acceptable portion of an enhanced frame copy based on an error burst representation within each frame to form a combined frame of a higher quality than the enhanced frame.

Contrary to the statements made in the Office Action, Wallentin does not disclose the combination of frames. Instead a frame selector 166₂ or a frame selector 166₁ selects a "best" frame from among two frames F2,1 F2,2 (see

column 9, line 60 through column 10, line 59). Though Wallentin uses the word "combining," at no time is a portion of one frame combined with a portion of another frame to form a combined frame of a higher quality than an enhanced frame, as in the present invention. Instead, either frame selector 166₁ or 166₂ selects the best of two framed copies. Accordingly, Wallentin does not disclose each and every aspect of the claimed inventions and cannot anticipate claims 37-42 and 78-82.

Applicants submit that claims 37-42 and 78-82 are patentable over Wallentin. Applicants respectfully request withdrawal of this rejection.

Section 103(a) Rejections Based on a Combination of Padovani and Wallentin

Claims 2, 4, 19-23, 32-36, 46, 48, 61-63 and 73-77 were rejected under 35 U.S.C. §103(a) as being unpatentable over Padovani in view of Wallentin. As indicated above, neither Padovani nor Wallentin teach or disclose combining a portion of an enhanced frame with a portion of an enhanced frame copy based on an error burst representation within each frame to form a combined frame of a higher quality of an enhanced frame as in the present invention. Clearly, the combination of Padovani and Wallentin cannot possibly render obvious the claims of the present invention because neither reference, taken alone or in combination, teaches, discloses or suggests combining a portion of an enhanced frame with a portion of an enhanced frame copy based on an error burst representation within each frame to form a combined frame of a higher quality than the enhanced frame, as in the present invention.

Applicants submit that the above identified claims are patentable over the combination of Padovani and Wallentin. Applicants respectfully request withdrawal of this rejection.

Section 103(a) Rejections Based on Padovani in view of Gregg

Claims 8, 9, 52 and 53 were rejected under 35 U.S.C. §103(a) as being unpatentable over Padovani in view of Gregg. Because these claims depend on an independent claim which is patentable over Padovani, these claims are also patentable over Padovani. The addition of Gregg does not render the independent claim or these claims unpatentable because Gregg does not teach, disclose or suggest combining a portion of an enhanced frame with a portion of an enhanced frame copy based on an error burst representation in each frame to form a combined frame of a higher quality than an enhanced frame, where the error burst representations comprise an error start indicator and an error length indicator, as in the present invention. Applicants submit that claims 8, 9, 52 and 53 are patentable over the combination of Padovani and Gregg. Accordingly, Applicants respectfully request withdrawal of this rejection.

Section 103(a) Rejections Based on the Combination of Padovani and Bach

Claims 15, 28, 57 and 69 were rejected under 35 U.S.C. §103(a) as being unpatentable over Padovani in view of Bach.

Because these claims depend on an independent claim which is patentable over Padovani for the reasons stated above, these claims are also patentable over Padovani. The addition of Bach does not render these claims unpatentable because the combination of Padovani and Bach does not disclose,

teach or suggest combining a portion of an enhanced frame with a portion of an enhanced frame copy based on an error burst representation within each frame to form a combined frame of a higher quality than an enhanced frame, where each portion represents an acceptable portion of the respective frame having a frame quality above a threshold, as in the present invention.

Applicants submit that claims 15, 28, 57 and 59 are patentable over the combination of Padovani and Bach. Accordingly, Applicants respectfully request withdrawal of this rejection.

Section 103(a) Rejections Based on Padovani in view of Bach and further in view of Hendrickson

Claims 16, 29, 58 and 70 were rejected under 35 U.S.C. §103(a) as being unpatentable over Padovani in view of Bach and in further view of Hendrickson. Because these claims depend on an independent claim which is patentable over Padovani for the reasons given above, these claims are also patentable over Padovani. The addition of Bach and Hendrickson does not render these claims unpatentable because this combination does not disclose, teach or suggest a combination of an enhanced frame with an enhanced frame copy based on an error burst representation within each respective frame to form a combined frame of a higher quality than the enhanced frame, where the portions of each combined frame have an acceptable frame quality above a reference error burst length as in the claimed invention.

Applicants respectfully submit that claims 16, 29, 58 and 70 are patentable over the combination of Padovani, Bach and Hendrickson. Accordingly, Applicants respectfully request withdrawal of this rejection.

Section 103(a) Rejections Based on Padovani in view of Bach and further in View of Neumiller

Claims 17, 30, 59 and 71 were rejected under 35 U.S.C. §103(a) as being unpatentable over Padovani in view of Bach and further in view of Neumiller. Because these claims depend on an independent claim which is patentable over Padovani for the reasons given above, these claims are also patentable over Padovani. The addition of Bach and Neumiller does not render these claims unpatentable because the combination of Padovani, Bach and Neumiller does not teach, disclose or suggest the combination of an enhanced frame with an enhanced frame copy based on error burst representations within each frame to form a combined frame of higher quality than the enhanced frame, where the portions of each combined frame have an acceptable frame quality above an adjustable threshold which is associated with a plurality of reference burst lengths and reference burst locations, as in the present invention.

Applicants respectfully submit that claims 17, 30, 59 and 71 are patentable over the combination of Padovani, Bach and Neumiller. Accordingly, Applicants respectfully request withdrawal of this rejection.

In sum, none of the references taken alone or in combination teaches, discloses or suggests a combination of an enhanced frame with an enhanced

frame copy based on error burst representations to form a combined frame of a higher quality than the enhanced frame, as in the present invention.

Accordingly, withdrawal of the pending rejections is requested and allowance of claims 1, 3, 4, 6-19, 21-23, 25, 27-32, 34-36, 38-45, 47, 48, 50-61, 63-65, 67, 69-73, 75-77 and 79-83 are respectfully requested.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John E. Curtin at the telephone number of the undersigned below.

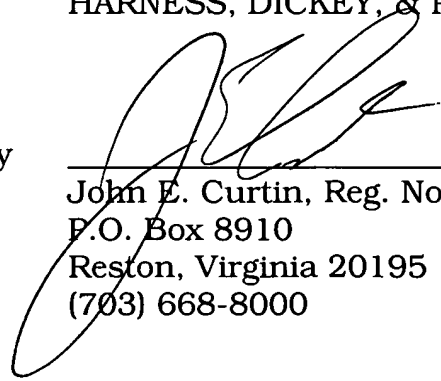
In the event this Response does not place the present application in condition for allowance, applicant requests the Examiner to contact the undersigned at (703) 668-8000 to schedule a personal interview.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKY, & PIERCE, P.L.C.

By



John E. Curtin, Reg. No. 37,602
P.O. Box 8910
Reston, Virginia 20195
(703) 668-8000

JEC:psy